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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/535,184	05/17/2005	Teruo Hitosugi	271652US3PCT	2377

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OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER

DEMERE, CHRISTOPHER R

ART UNIT	PAPER NUMBER
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3782

NOTIFICATION DATE	DELIVERY MODE
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06/03/2009

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentdocket@oblon.com
oblonpat@oblon.com
jgardner@oblon.com

Office Action Summary	Application No. 10/535,184	Applicant(s) HITOSUGI, TERUO	
	Examiner CHRISTOPHER DEMEREE	Art Unit 3782	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 March 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,14,15,17,20,21,23 and 24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3,14,15,17,20,21,23 and 24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>3/4/2009</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 3, 23 and 24 are rejected under 35 U.S.C. 102(b) as being anticipated by Terazawa et al. (US 6549744 B2; hereinafter Terazawa).

Regarding claims 1, 3 and 23, Terazawa teaches a container comprising a deformable container (2) within the container storage box (30), the deformable container containing toner (see Abstract) and comprising a flexible region and a discharging part (3) for discharging the toner to an image forming apparatus via a container holding part of the image forming apparatus when the container is placed in the container holding part the container storage box comprising sidewall faces which prevent deformation of the deformable container during storage (see Fig. 1), wherein said sidewall faces are configured to regulate a configuration of the deformable container in a configuration accommodated in the container loading part, wherein the container storage box comprises a plurality of sidewall faces, at least two opposing ones of the plurality of sidewall faces regulating the configuration of the container and fixing a position of the container by contact-surface resistance with the container during storage, and wherein sides of the toner container consist of a first, a second, a third, and a fourth pair of opposing sidewall faces, the first pair of sidewall faces not being parallel to each other,

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the second pair of sidewall faces not being parallel to each other, the third pair of sidewall faces not being parallel to each other, and the fourth pair of sidewall faces not being parallel to each other (see Fig. 1 portion 7). Examiner considers the tapered portion 7 to present four non-parallel sidewall faces.

Regarding claim 24, Terazawa teaches a container wherein the discharging part of the deformable container is within the container storage box without any part of the discharging part protruding through the container storage box (see Figures 27 and 28). Examiner notes that this embodiment of Terazawa's container extends the portion of the outer container out over the mouth portion of the inner container.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 14, 15 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Terazawa in view of Katsuyama (US 6519436 B2).

Regarding claims 14 and 15, Terazawa teaches everything except indication, or instructions, about the contents of the container. Katsuyama teaches a toner powder container comprising an indication (89), or instructions, about the use of the container (Col 8; lines 1-6). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to further modify Terazawa's container to include

instructions on any number of the panels to instruct a user on how to disassemble said container as taught by Katsuyama.

Regarding claim 20, Terazawa teaches everything except a box comprising partial lamination. Katsuyama teaches a toner powder container comprising a laminate of flexible sheets (Col 5 lines 19-25). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to further modify Terazawa's container to include partial lamination in order to better mate the inner toner bag with the mouth of the container storage box (Katsuyama '436; lines 14-19).

5. Claims 17 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Terazawa in view of Lloyd et al. (US 6253993 B1; hereinafter Lloyd).

Regarding claim 17, Terazawa teaches everything except perforations provided on the sheet material of the container that allow the assembly of said container. Lloyd teaches a container wherein the blank for forming the container is provided with numerous perforations to facilitate folding of said container without compromising the integrity of said container (Col 10 lines 24-36). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to further modify Terazawa's container to include perforations for the fold lines in order to facilitate the construction of the container as taught by Lloyd.

Regarding claim 21, Terazawa teaches everything except that the container storage box is made a corrugated cardboard material (examiner considers corrugated cardboard to be generally shock resistant). Lloyd teaches a container fabricated from cardboard, paperboard, corrugated paperboard or the like (Col 1 lines 10-15). It would

have been obvious to one of ordinary skill in the art at the time of applicant's invention to fabricate Terazawa's container out of corrugated cardboard because of the material's durability and cost effectiveness (Lloyd; Col 1 lines 16-20).

Response to Arguments

6. Applicant's arguments, see Pages 5-7, filed 3/4/2009, with respect to the rejection(s) of claim(s) 1, 3 and 23 under USC 103(a); Heuberger in view of Shryock, have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Terazawa et al.

7. Applicant's arguments with respect to claims 1, 3, 14, 15, 17, 20, 21 and 23 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHRISTOPHER DEMEREE whose telephone number is (571)270-1982. The examiner can normally be reached on Mon-Fri, 8:00 AM-5:00PM, Alt Fri, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Newhouse can be reached on (571) 272-4544. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Christopher Demeree/
Examiner, Art Unit 3782

/Nathan J. Newhouse/
Supervisory Patent Examiner, Art Unit 3782